

Def & Ref Rm 307

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 JUL -1 PM 12:38

Refund Section- Accounting Division  
Office of Finance



In Re Application of: Bertram Francis Charles QUIN

Serial No.: 10/725040

Filed: December 2, 2003

Title: FERTILISER COMPOSITIONS

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the above identified case, deposit account 06-1358 has been improperly debited. By this paper, a credit to deposit account 06-1358 is requested. An explanation of the debiting error is set out below, and copies of all documents in support of this request are attached.

Explanation of Error:

- ☐ Large Entity fee charged to Small Entity
- ☐ Fee should not have been charged to PTO account because it was paid by check
- ☒ PTO duplicate charge

Type of Charge and Amount of Refund Requested:

<input checked="" type="checkbox"/> Filing fee	\$ <u>1330.00</u>
TOTAL REFUND REQUESTED	\$ <u>1330.00</u>

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Comments:

On December 2, 2003 the above-captioned application was filed along with a Form 12: 38  
PTO-2038 for payment of the petition fee of \$1330. Attached is a copy of the American  
Express credit card statement showing that on December 10, 2003 a \$1330 fee was  
charged.

On May 5, 2004 a Decision on Petition was mailed granting the petition and on May  
6, 2004 the petition fee of \$1330 was again charged to undersigned counsel's deposit  
account 06-1358 (copy attached).

Therefore, this fee has been charged twice due to a PTO error and a credit to  
undersigned counsel's deposit account 06-1358 for \$1330 is requested.

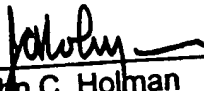
Attached Documents:

X Deposit account statement (highlighted); American Express statement

Respectfully submitted

JACOBSON HOLMAN PLLC

By

  
John C. Holman  
Registration No. 22,769  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666

I.D.: JCH/dls  
Folio: P69287US1  
Date: June 25, 2004

JCH-5/03-110

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American Express | E-Statement

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10728773 GOVERNMENT SERVICES

Reference: 050120031209

December 9, 2003

US PATENT TRADEMARK 703-305-4631 VA

10728775 GOVERNMENT SERVICES

Reference: 050120031209

December 9, 2003

US PATENT TRADEMARK 703-305-4631 VA

10469537 GOVERNMENT SERVICES

Reference: 050120031209

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

501492 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

09796688 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10257975 GOVERNMENT SERVICES

Reference: 050120031210

~~December 10, 2003~~

US PATENT TRADEMARK 703-305-4631 VA

PCT/NZ02/ GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10479417 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10730102 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

09831893 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10119309 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10183464 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10094639 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10017320 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

09948555 GOVERNMENT SERVICES

Reference: 050120031210

December 10, 2003

US PATENT TRADEMARK 703-305-4631 VA

10730000 GOVERNMENT SERVICES

Reference: 050120031210

1,080.00

40.00

-130.00

965.00

1,630.00

1,330.00

1,050.00

385.00

1,330.00

1,630.00

965.00

1,630.00

1,630.00

965.00

385.00

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6/18/20

Deposit Account Statement

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Trademark Office

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Deposit Account Statement

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Requested Statement Month: May 2004  
Deposit Account Number: 061358  
Name: JACOBSON PRICE HOLMAN & STERN  
Attention: BRUCE LETCHWORTH  
Address: 400 SEVENTH STREET, N. W.  
City: WASHINGTON  
State: DC  
Zip: 20004

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/04	3	09743676 WEP	P66242USO	9204	-\$1,250.00	\$9,267.74
05/05	65	10836238 HBJ	P69675USO	1203	\$290.00	\$8,977.74
05/06	2	10725040 JCH	P69247USO	1453	\$1,330.00	\$7,647.74
05/06	6	5979131 JCH	P61330USO	1551	\$890.00	\$6,757.74
05/07	1	10773449 ASM	P69468USO	1001	\$770.00	\$5,987.74
05/07	49			8013	-\$25.00	\$6,012.74
05/07	159	09756709 JCH	P66297USO	8007	\$20.00	\$5,992.74
05/10	1	09998204 YSH	P67365USO	2251	\$55.00	\$5,937.74
05/10	10	09857182 WEP	P6671USO	1806	\$180.00	\$5,757.74
05/10	11	09857182 WEP	P6671USO	1251	\$110.00	\$5,647.74
05/11	113	60569250 WEP	P69717USO	1005	\$160.00	\$5,487.74
05/12	32	76576352 GWL	T34533USO	6001	\$335.00	\$5,152.74
05/12	250	60475496	1	8007	\$20.00	\$5,132.74
05/13	23	10275271 HBJ	P68329USO	8021	\$20.00	\$5,112.74
05/13	62	10771344	1	8007	\$20.00	\$5,092.74
05/13	123	1843933 MGG	T34577USO	6212	\$100.00	\$5,052.74
05/14	126	0967911		6205	\$100.00	\$4,952.74
05/14	135	76489251 SLM	T33867USO	6001	\$1,340.00	\$3,612.74
05/18	1	10140867 JCH	P67865USO	2202	\$72.00	\$3,540.74
05/18	88	76575517	5923/T34353JP0 RSP/HPM	8507	\$15.00	\$3,525.74
05/18	89	76575513	5923/T34353JP0 RSP/HPM	8507	\$15.00	\$3,510.74
05/19	43	5081540		1553	\$1,545.00	\$1,965.74
05/19	44	REPLENISHMENT		9204	-\$10,000.00	\$11,965.74
05/19	45	5081540		1556	\$130.00	\$11,835.74
05/19	46	5081541		1553	\$1,545.00	\$10,290.74
05/19	48	5081541		1556	\$130.00	\$10,160.74
05/20	12	76507732 GWL	11928/T-34035USO	6001	\$670.00	\$9,490.74
05/20	15	76507731 GWL	11928/T-34036USO	6001	\$670.00	\$8,820.74



05 MAY 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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ALEXANDRIA, VA 22313-1450  
www.uspto.gov

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Jacobson Holman PLLC  
400 Seventh Street, NW  
Suite 600  
Washington, DC 20004

In re Application of	:	
QUIN, Bertram Francis Charles	:	DECISION ON
Application No.: 10/725,040	:	
Filing Date: 02 December 2003	:	PETITION
Attorney Docket No.: P69287US1	:	
For: FERTILISER COMPOSITIONS	:	UNDER 37 CFR 1.137(b)

Applicant's petition "Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)," filed in the United States Patent and Trademark Office on 11 March 2004 is **GRANTED**.

### BACKGROUND

On 02 December 2003, applicant filed a transmittal letter for a continuation application accompanied by a specification and a preliminary amendment.

On 03 March 2004, the Office mailed Notice to File Missing Parts of Non Provisional Application.

On 11 March 2004, applicant submitted this petition under 37 CFR 1.137(b) accompanied by a post card receipt.

### DISCUSSION

The 11 March 2004 petition to revive was accompanied by a postcard receipt dated 02 December 2003 and a statement that it was a cop of the 02 December 2003 petition. The 11 March 2004 petition is accepted as having been received on 02 December 2003.

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant states "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate petition fee has been paid. A proper response

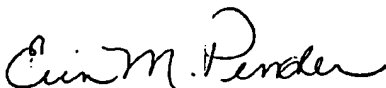
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in the form of a continuing application under 35 U.S.C. 111(a) has been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

**CONCLUSION**

The petition to revive international application PCT/NZ02/00077 abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 10/725,040.

This application is being forwarded to the Office of Initial Patent Examination for processing as a regular U.S. application under 35 U.S.C. 111(a).



Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: (703) 305-0455  
Facsimile: (703) 308-6459